

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rule making related to firefighter training and certification

The State Fire Marshal Division hereby amends Chapter 251, “Fire Fighter Training and Certification,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 100B.10.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 100B.

Purpose and Summary

The purpose of these amendments to Chapter 251 is to make changes to spelling and style issues and enumerate the conditions in which a firefighter’s certification may be revoked in the event of a felony-level conviction.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 10, 2021, as **ARC 5502C**. A public hearing was held on April 9, 2021. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Division on April 14, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

Firefighters whose employment requires active certification may have their jobs impacted if their certifications are revoked due to certain felony-level convictions.

Waivers

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 9, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend **661—Chapter 251**, title, as follows:

~~FIRE FIGHTER~~ FIREFIGHTER TRAINING AND CERTIFICATION

ITEM 2. Amend rule 661—251.1(100B) as follows:

661—251.1(100B) Definitions. The following definitions apply to rules 661—251.1(100B) to 661—251.204(100B):

“*Emergency incident*” means any incident involving a fire or other hazardous situation to which personnel of a fire department respond.

“*NFPA*” means the National Fire Protection Association.

“*Structural ~~fire-fighting~~ firefighting*” means ~~fire-fighting~~ firefighting in a hazardous environment which requires the use of self-contained breathing apparatus.

ITEM 3. Amend rule 661—251.101(100B) as follows:

661—251.101(100B) Minimum training standard. Any member of a fire department shall have completed the training requirements identified in the job performance requirements for the fire fighter I classification in NFPA 1001, Standard for Fire Fighter Professional Qualifications, based on the current edition adopted by the fire service training bureau, prior to the member’s engaging in structural ~~fire-fighting~~ firefighting. Each fire department shall identify its members who are or will be engaged in structural ~~fire-fighting~~ firefighting and shall ensure that any member engaged in structural ~~fire-fighting~~ firefighting has completed the training requirements specified in this rule prior to the member’s engaging in structural ~~fire-fighting~~ firefighting.

NOTE: A ~~fire-fighter~~ firefighter is not required to be certified to meet this requirement. Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, a local fire department, or any combination thereof.

EXCEPTION 1: A ~~fire-fighter~~ firefighter who received training which complied with the job performance requirements for the fire fighter I classification contained in an earlier edition of NFPA 1001 shall be deemed to have met this requirement, provided that records documenting the training are maintained in accordance with rule 661—251.104(100B).

EXCEPTION 2: The chief or the training officer of any fire department may apply to the state fire marshal by June 1 of any year for an extension of the deadline to meet the training requirement for members of the department engaged in structural ~~fire-fighting~~ firefighting. Any such extension shall be for one year and may be renewed annually upon application. An extension shall be granted only if the department has requested training required under this rule, with training costs to be offset through funding from the ~~fire-fighting~~ firefighting training and equipment fund, pursuant to 661—Chapter 259, and funds to offset the cost of the training have not been available or have been inadequate to fully offset the cost of the training. The extension may be for all or some of the ~~fire-fighters~~ firefighters in the department. The application shall be in a form specified by the state fire marshal and shall list by name each ~~fire-fighter~~ firefighter for whom an extension is requested. The extension, if granted, shall list by name the ~~fire-fighters~~ firefighters to whom the extension applies and shall apply only to those listed.

ITEM 4. Amend rule 661—251.102(100B) as follows:

661—251.102(100B) Other training. Any member of a fire department who serves in a capacity other than structural ~~fire-fighting~~ firefighting at an emergency incident shall have received training based on the duties the member might perform at an emergency incident. Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, or a local fire department, or any combination thereof.

ITEM 5. Amend rule 661—251.103(100B) as follows:

661—251.103(100B) Continuing training. Fire department members shall participate in at least 24 hours of continuing training annually, which ~~shall be selected from~~ may include, but is not limited to, the following subject matter areas:

1. No change.
2. Structural ~~fire-fighting~~ firefighting techniques, including standard operating policies and procedures or standard operating guidelines.
3. to 7. No change.
8. ~~Fire-fighter~~ Firefighter safety.
9. National Incident ~~management system~~ Management System or ~~incident command system~~ Incident Command System.
10. to 12. No change.
13. Additional training based on standard operating policies and procedures or standard operating guidelines.
14. ~~Other~~ Occupational Safety and Health Administration (OSHA)-related training, such as blood-borne pathogen protection.
15. Specialty training such as confined space entry, vehicle extrication, rescue techniques, wildland or agricultural ~~fire-fighting~~ firefighting techniques.
16. and 17. No change.

NOTE: Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, or a local fire department, or any combination thereof.

ITEM 6. Amend rule 661—251.104(100B) as follows:

661—251.104(100B) Record keeping. Each fire department shall maintain training records for each individual member of the department who participates in emergency incidents. These training records shall identify, for all training completed by the individual ~~fire-fighter~~ firefighter, the person or persons who provided the training, the dates during which the training was completed, the location or locations where the training was delivered, and a description of the content of the training.

ITEM 7. Amend **661—Chapter 251**, division heading, as follows:

~~FIRE-FIGHTER~~ FIREFIGHTER CERTIFICATION

ITEM 8. Amend rule 661—251.201(100B) as follows:

661—251.201(100B) ~~Fire-fighter~~ Firefighter certification and accreditation program. There is established within the fire service training bureau of the state fire marshal division a ~~fire-fighter~~ firefighter certification program for the state of Iowa, which shall be known as the certification and accreditation program. The certification and accreditation program is accredited by the National Board on Fire Service Professional Qualifications (PROBOARD) and the International Fire Service Accreditation Congress (IFSAC) to certify fire service personnel to accepted national standards. All certifications issued by the certification and accreditation program shall be based upon nationally accepted standards.

NOTE 1: Participation in the certification and accreditation program is voluntary, and state law does not require certification to work or volunteer as a ~~fire-fighter~~ firefighter in Iowa. However, some fire departments within the state require certification for continued employment or promotion. Inquiries regarding such requirements should be directed to the hiring or employing department.

NOTE 2: Inquiries and requests regarding the certification and accreditation program should be directed to the fire service training bureau.

251.201(1) No change.

251.201(2) Application. Application forms for each level of ~~fire-fighter~~ firefighter certification may be obtained from the fire service training bureau. In order to enter the certification and accreditation program, an applicant shall submit a completed application, accompanied by the required fee, to the fire

service training bureau. The fee must accompany the application form, although a purchase order from a public agency or private organization may be accepted in lieu of prior payment. The application and fee shall be submitted no less than two weeks prior to the date of any examination in which the applicant wishes to participate.

ITEM 9. Amend subrule 251.202(1) as follows:

251.202(1) ~~Fire fighter~~ Firefighter.

a. and b. No change.

ITEM 10. Amend rule 661—251.203(100B) as follows:

661—251.203(100B) Fees. Current certification application fees and any other fees related to participation in the certification process shall be listed ~~in~~ on the fire service training bureau's web page and also within the publication Certification Procedures Guide for each level of certification, published by the fire service training bureau ~~and available on request from the fire service training bureau~~. The information in each guide shall be effective upon publication until superseded by publication of a later edition. Prospective candidates who are considering application for a particular level of certification should contact the fire service training bureau for the latest date of publication of the Certification Procedures Guide.

Fees may be paid by personal check made payable to Iowa Department of Public Safety—Fire Service Training Bureau, credit card, purchase order from a public agency or private organization, check or draft from a public agency or private organization, or money order. The check, credit card information, purchase order, money order or draft shall be submitted with the application.

ITEM 11. Amend subrule 251.204(3) as follows:

251.204(3) Revocation. The fire service training bureau may revoke the certification of any individual who is found to have knowingly provided false information to the fire service training bureau during the certification process or to have engaged in fraudulent activity during the certification process. In addition, certification may be revoked by the fire service training bureau if an individual was found to have engaged in and been convicted of a felony-level crime, including but not limited to murder, arson, sexual assault, physical assault, embezzlement, and crimes committed against a fire department or its respective association.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/5/21.